

UNITED STATES DISTRICT COURT
NORTHERN DISTRICT OF ILLINOIS
WESTERN DIVISION

UNITED STATES OF AMERICA)	
)	
v.)	No. 07 CR 50059
)	Honorable Judge Frederick J. Kapala
ROBERT H. SWEENEY)	

MOTION TO CORRECT JUDGMENT

Comes now Robert Sweeney, by the Federal Defender Program, Terence F. MacCarthy Executive Director and Paul E. Gaziano, one of his assistants, and moves this Honorable Court to enter an order correcting the Judgment previously entered and in support states:

1. That the Judgment entered in this case requires Mr. Sweeney to make restitution in the amount of \$3,470.00. (Judgment p.5)
2. That at the time of sentencing, the Government was authorized to deliver to the Harris Bank, the recipient of the restitution, the sum of \$3,021.00 which had been recovered from Mr. Sweeney.
3. That the total restitution owing from Mr. Sweeney is \$449.00.
4. That Mr. Sweeney is concerned that this clerical error may have an effect upon his earnings while incarcerated and while on supervised release.
5. That the Judgement does provide that money recovered shall be returned to the Harris Bank and attributed to the balance of restitution, the Judgment does not set forth the amount recovered (\$3,021.00).

6. That for clarification, the Judgment should have provided that Mr. Sweeney is obligated to pay \$449.00 in restitution.
7. That this motion is brought pursuant to Rule 36, Federal Rules of Criminal Procedure.
8. That Counsel for Mr. Sweeney has spoken with Assistant United States Attorney Mark Karner and the Government has no objections to this motion.

Wherefore Mr. Sweeney urges that this Honorable Court enter an order correcting the Judgment by clearly stating the amount of money that he is to pay in restitution after having been credited for the money recovered by the Government.

Dated this 27th day of August, 2008.

Respectfully submitted;
FEDERAL DEFENDER PROGRAM
Terence F. MacCarthy
Executive Director

By: ___/s/ _____
Paul E. Gaziano
Attorneys for Defendant
Robert H. Sweeney

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